

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JERRY MOSIER and BARBARA MOSIER,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 3:10-cv-771-MJR-DGW
)	
SWIFT TRANSPORTATION COMPANY,)	
)	
Defendant.)	

ORDER

This matter is before the Court on the Motion for Physical Exam filed on May 2, 2011, by Defendant Swift Transportation Company pursuant to Fed. R. Civ. P. 35 (Doc. 28). The Plaintiff has not objected to the request for physical exam. As specified below, the motion is **GRANTED**.

Federal Rule of Civil Procedure 35(a) states that:

(1) The court where the action is pending may order a party whose mental or physical condition--including blood group--is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner.

(2) The order:

(A) may be made only on motion for good cause and on notice to all parties and the person to be examined; and

(B) must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.

Fed. R. Civ. P. 35(a).

In his complaint, Plaintiff Barbara Mosier alleges physical injury as a result of Defendant's negligence, and has therefore raised her medical condition as an issue in the case. Thus, the Court finds good cause for a medical examination of the Plaintiff.

The Court hereby **ORDERS** Plaintiff, Barbara Mosier, to appear at a physical examination by Dr. Brett Taylor, M.D., at the Orthopedic Center of St. Louis, 14825 North Outer Forty Road,

Suite 200, Chesterfield, Missouri 63017 on **May 31, 2011, at 8:30 a.m.** Defendant shall forward to Plaintiff's counsel a copy of the doctor's report after the completion of the examination.

IT IS SO ORDERED.

DATED: May 12, 2011



DONALD G. WILKERSON
United States Magistrate Judge